



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

June 20, 2014

Richard W. Hancock, PE, Manager
Project Development and Environmental Analysis
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act, NEUSE BUFFER RULES, and ISOLATED WETLANDS PERMIT Pursuant to IWGP100000 with ADDITIONAL CONDITIONS for Proposed improvements to US 401 in Wake County, Federal Aid Project No. STP-401(4), State Project No. 81403001, TIP No. R-2814 (B).
NCDWQ Project No. 20090104 ver.4.

Dear Mr. Hancock:

Attached hereto is a modification of Certification No. 3790 issued to The North Carolina Department of Transportation (NCDOT) originally dated June 16, 2009.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Thomas A. Reeder, Director
Division of Water Resources

Attachments

cc: Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office
Chris Murray, Division 5 Environmental Officer
Ecosystem Enhancement Program
Rachelle Beauregard, NCDOT NEU
File Copy

Transportation and Permitting Unit
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**Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act,
NEUSE BUFFER RULES, and ISOLATED WETLANDS PERMIT Pursuant to IWGP100000 with
ADDITIONAL CONDITIONS**

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (NCDWQ) Regulations in 15 NCAC 2H .0500 and 15A NCAC 2B.0233 and ISOLATED WETLANDS PERMIT Pursuant to IWGP100000 . This certification authorized the NCDOT to impact 2.68 acres of jurisdictional wetlands, 1.58 acres of isolated wetlands, 3,824 linear feet of jurisdictional streams and 496,980 square feet of protected riparian buffers in Wake County. The project shall be constructed pursuant to the modification dated received April 29, 2014. No new impacts are proposed. See the following conditions for mitigation changes.

The application provides adequate assurance that the discharge of fill material into the waters of the Neuse River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your modified application dated received April 29, 2014. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated June 16, 2009 and modified August 30, 2010 still apply except where superseded by this certification. Should your project change, you are required to notify NCDWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). Additional buffer impacts may require compensatory mitigation as described in 15A NCAC.0242. For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Conditions of Certification:

1. Compensatory mitigation for impacts to Neuse Riparian Buffers is required. The mitigation requirement includes 744,690 square feet of Zone 1 Buffers and 245,057 square feet of Zone 2 Buffers.

(a) We understand that you have chosen to debit mitigation from the Wiggins Mill Mitigation Bank. This certification gives approval to the debiting of 285,639 square feet of Neuse Buffer from the Wiggins Mill Mitigation Site in order to partially satisfy the riparian buffer mitigation requirements of R-2814 A and B.

(b) We understand that you have chosen to perform the 704,108 square feet of remaining compensatory mitigation for impacts to protected buffers through use of the North Carolina Ecosystem Enhancement Program (EEP). Mitigation for unavoidable impacts to Neuse Riparian Buffers shall be provided in the Neuse River Basin and done in accordance with 15A NCAC 2B.0233. EEP has indicated in a letter dated May 15, 2012 that they will assume responsibility for satisfying the remaining compensatory mitigation requirements of 704,108 square feet for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and the Dual-Party MOA signed on April 12, 2004.

(c) **This condition replaces condition #4 in the 401 Certification dated August 30, 2010.**

2. All other conditions in previous versions of this certification still apply.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit.

This the 20th day of June 2014

DIVISION OF WATER RESOURCES

A handwritten signature in black ink, appearing to read 'Thomas A. Reeder', is positioned above the printed name and title.

Thomas A. Reeder
Director

WQC No. 3790